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FEDERAL ELECTION  
COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

2013 FEB -8 AM 9: 34

2013 FEB -7 PH 5: 32

In the Matter of )

MUR 6669 )

Duckworth for Congress and )

Nancy Chen as treasurer )

DISMISSAL AND  
CASE CLOSURE UNDER THE  
ENFORCEMENT PRIORITY  
SYSTEM

**CELA  
SENSITIVE**

### GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue. These criteria include, without limitation, an assessment of the following factors: (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), and developments of the law. It is the Commission's policy that pursuing relatively low-rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss cases under certain circumstances.

The Office of General Counsel has scored MUR 6669 as a low-rated matter and has determined that it should not be referred to the Alternative Dispute Resolution Office. For the reasons set forth below, the Office of General Counsel recommends that the Commission exercise its prosecutorial discretion and dismiss MUR 6669 as to Respondents Duckworth for Congress (the "Committee") and Nancy Chen in her official capacity as treasurer.<sup>1</sup>

The Complainant, Robert M. Paskiewicz, asserts that Duckworth for Congress and Nancy Chen in her official capacity as treasurer violated the reporting requirements under 2 U.S.C. § 434(a)(2)(iii) by failing to file a complete 2012 October Quarterly Report within fifteen days

<sup>1</sup> The EPS rating information is as follows:  
from Duckworth for Congress Filed: November 14, 2012.

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27 after the last day of the quarter, as required by the Act. Compl. at 1. The Complaint states that  
28 the quarterly report filed by the Committee on October 15, 2012 covered only the month of  
29 September and failed to include information for the months of July and August, thereby violating  
30 the Act. *Id.* The Complaint includes two documents in support of Complainant's assertion, in  
31 the form of a screen shot of the FEC's Committee Details page and a copy of the Committee's  
32 FEC Form 3, Page 1. Compl. at 2–3.

33 In its response, the Committee acknowledges that its 2012 October Quarterly Report to  
34 the FEC filed on October 15, 2012 was incomplete and only contained information for the month  
35 of September 2012. Resp. at 1. The Committee asserts that its original reporting file was  
36 extremely large and had been split into two files, one covering the months of July and August  
37 and the other covering the month of September. *Id.* Due to inadvertent error, the Committee  
38 concedes that only the second file was uploaded on October 15, 2012, and that when the  
39 omission was discovered early the next morning, the Committee took immediate steps to correct  
40 the error and uploaded the missing file by 10:00 AM on October 16, 2012. *Id.* at 1–2. Because  
41 of the minimal delay in filing and the Committee's response to the initial error, the Committee  
42 requests that the Commission dismiss this Complaint. *Id.* at 2.

43 The Committee was required to report all of its activity for the October quarterly period  
44 (July through September) on its disclosure report pursuant to 2 U.S.C. § 434(a)(2)(iii). Although  
45 the Committee inadvertently left off two months of activity, it took remedial steps and  
46 subsequently filed a complete report. Accordingly, the Office of General Counsel recommends  
47 that, in light of the remedial action taken by the Committee, within 24 hours of the omission and  
48 before notification from the FEC, and in furtherance of the Commission's priorities, relative to  
49 other matters pending on the Enforcement docket, the Commission should exercise its

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prosecutorial discretion and dismiss this matter as to the Committee pursuant to *Heckler*  
*v. Chaney*, 470 U.S. 821 (1985).

**RECOMMENDATIONS**

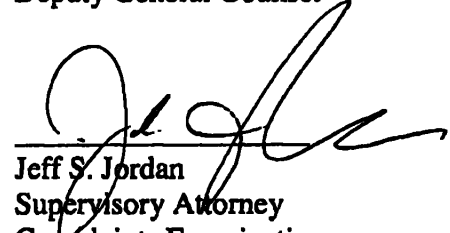
1. Dismiss the allegation that Duckworth for Congress and Nancy Chen in her official capacity as treasurer violated 2 U.S.C. § 434(a)(2)(iii), pursuant to the Commission's prosecutorial discretion;
2. Approve the attached Factual and Legal Analyses; and
3. Close the file.

Anthony Herman  
General Counsel

2/8/13  
Date

BY:

  
Gregory R. Baker  
Deputy General Counsel

  
Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination  
& Legal Administration

  
Cody M. Perkins  
Legal Extern

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